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Robert D. Shedd, Patent Operations				
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Princeton, NJ 08543-5312				
EXAMINER				
TILLERY, RASHAWN N				
ART UNIT		PAPER NUMBER		
2174				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/586,294

**Applicant(s)**

HOERENTRUP ET AL.

**Examiner**

RASHAWN TILLERY

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-21 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-21 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 9/15/2010.
2. Claims 1-21 are pending in this application. Claims 1, 8, 12 and 13 are independent claims. In the instant Amendment, claims 1, 8, 12 and 13 were amended and claims 14-21 were added. This is a Non-Final action on the RCE filed 9/15/2010.

### ***Claim Objections***

3. Claims 14 and 15 are objected to because of the following informalities: there is insufficient antecedent basis for the limitation "the data structure." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 5977976) in view of Applicant's conceded prior art.

Regarding claim 1, Maeda discloses a method for generating a displayable menu from data of a menu data segment, the menu comprising separately rendered menu selectable menu buttons (see fig 5, 100a, 100b and 100c; Examiner notes that menu

keys 104 and 111 are separately rendered in a menu upon user selection of either "EFFECT" key 102 or "FADER" key 103, respectively) wherein

at least one group of two or more menu buttons is defined in said menu data segment (Examiner's defining keys 104 and 111 as a group), wherein each of the two or more menu buttons has associated a defined area (see fig 5, where the menu keys 104 and 111 occupy the same position in their respective menus 100b and 100c) on the display and each menu button that belongs to a particular menu page is separately rendered (Examiner notes that menu buttons 104-109 belong to menu page 100b and menu buttons 111-114 belong to menu page 100c; Applicant is not explicitly claiming that the group of two or more menu buttons belong to a single page);

a menu button may belong to not more than one of said groups (see fig 5; Examiner notes that menu keys 104 and 111 belong to one group);

a state is assigned to each separately rendered menu button, the state being "enabled" or "disabled", wherein only an enabled menu button may be displayed (see fig 5; Examiner notes that only menu key 104 is displayed when the "EFFECT" key is selected), and wherein not more than one menu button within a group may be enabled simultaneously (see fig 5; Examiner notes that menu keys 104 and 111 can not be enabled simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively).

Maeda does not expressly disclose a button in the "enabled" state may have a further state of "normal," "selected," or "activated." However, Applicant's conceded prior art discloses "[e]ach button is associated a state, which can either be the 'normal' (or

'unselected') state, the 'selected' state or the 'activated' state (see page 1, lines 21-27)."

It would have been obvious to an artisan at the time of the invention to include Applicant's prior art teachings in Maeda's user interface in an effort to provide a different visual representation in each state in order to give the user feedback.

Regarding claim 2, Maeda discloses the areas of menu buttons that belong to different groups do not overlap and no display pixel may belong to more than one group (see fig 5 where menu keys 104 and 111 are shown adjacent to menu keys 106 and 113).

Regarding claim 3, Maeda discloses the area associated with a group comprises a plurality of partial areas not connected with each other (see fig 5 where menu keys 104 and 111 are shown).

Regarding claim 4, Maeda discloses said group has associated a rectangular area, and wherein visible menu button that belong to said group cover only a part of said area, or cover said area completely (see fig 5 where menu key 104 is shown).

Regarding claim 5, Maeda discloses all visible menu buttons within a group cover the same part of said rectangular area (see fig 5; Examiner notes that menu keys 104 and 111 can not be enabled simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively).

Regarding claim 6, Maeda discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command comprising enabling or disabling of another menu button (see fig 5, 100e

where the "MOSAIC" key is activated).

Regarding claim 7, Maeda discloses the menu relates to audio-visual content of a removable storage medium, and the menu data are stored on said medium (see col. 15, line 33 to col. 16, line 66 where the video camera is discussed).

Claim 8 is similar in scope to claim 1 and is therefore rejected under similar rationale. In addition, Maeda discloses mean for rendering each menu button that belongs to the same menu page (Examiner notes that menu buttons 104-109 are separately rendered and belong to the same page; Applicant is not explicitly claiming that the group of two or more menu buttons belong to a single page).

Regarding claim 10, Maeda discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command comprising enabling or disabling of another menu button (see fig 5, 100e where the "MOSAIC" key is activated).

Regarding claim 11, Maeda discloses the menu relates to an audio-visual multimedia presentation being stored on a removable storage medium, and wherein the data stream is also stored on said medium (see col. 15, line 33 to col. 16, line 66 where the video camera is discussed).

Claim 12 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 1 and is therefore rejected under similar rationale. In addition, Maeda discloses at least one group of menu buttons is defined

within the menu data structure (Examiner's interpreting the separate pages, 100b and 100c as the claimed "menu data structure").

Regarding claim 14, Maeda discloses a menu button has one or more associated commands, and the data structure comprises, individually for each menu button, a parameter specifying the number of commands per button (Examiner notes that each menu button 102-109 and 111-114 in fig 5 performs a single command).

Claim 15 is similar in scope to claim 14 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 14 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 14 and is therefore rejected under similar rationale.

Regarding claim 18, Maeda discloses each menu button has an associated horizontal and vertical display position (see fig 5 where menu buttons 104-109 and 111-114 are shown).

Claim 19 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 18 and is therefore rejected under similar rationale.

***Response to Arguments***

6. Applicant's arguments filed 9/15/2010 have been fully considered but they are not persuasive.

Regarding Applicant's arguments concerning claims 1, 8 and 12, that Maeda fails to disclose a group of two or more menu buttons are defined within the menu data structure, the Examiner notes that the claims do not recite the limitation as alleged in the arguments. Only claim 13 defines a group of two or more menu buttons within the menu data structure. Examiner's interpreting Maeda's separate pages, 100b and 100c in fig 5, as the claimed "menu data structure" since the two are functional equivalents.

Examiner further notes that Applicant's claim language does not explicitly recite that "different menu items and buttons are rendered separately, not pagewise," as alleged in the arguments. Nor does Applicant's claim language explicitly recite that the group of two or more menu buttons belong to a single page.

7. Applicant's arguments with respect to claims 1, 8, 12 and 13 regarding the different states of the "enabled" state have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is (571)272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/  
Examiner, Art Unit 2174

/Peng Ke/

Primary Examiner, Art Unit 2174